

SECOND REGULAR SESSION  
[PERFECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1662**  
**101ST GENERAL ASSEMBLY**

3849H.03P

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal section 442.403, RSMo, and to enact in lieu thereof one new section relating to restrictive covenants.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 442.403, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 442.403, to read as follows:

442.403. 1. Any restrictive covenant recitals on property, real or personal, found in any deeds, plats, restrictions, covenants, or other conveyances of any type or nature, filed for record at any time in the office of the recorder of deeds in any county~~[, which relate]~~ **that relate** to the race, color, religion, or national origin of any person~~;~~ shall be void and unenforceable~~;~~ and shall be ignored, as if the same never existed.

2. Any person or legal entity with an interest in real property or any agent of such person or entity, shall not incur any liability by reason of the mere existence of a restrictive covenant described in subsection 1 of this section in any document filed for record before May 3, 1948, in any recorder of deeds' office.

3. **No deed recorded on or after August 28, 2022, shall contain a reference to the specific portion of a restrictive covenant purporting to restrict the ownership or use of the property as prohibited under subsection 1 of this section. A recorder of deeds may refuse to accept any deed submitted for recording that references the specific portion of any such restrictive covenant. The person who prepares or submits a deed for recording has the responsibility of ensuring that the specific portion of such a restrictive covenant is not specifically referenced in the deed prior to such deed being submitted for recording. A deed may include a general provision that states that such deed is subject**

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 to any and all covenants and restrictions of record; however, such provision shall not  
19 apply to the specific portion of a restrictive covenant purporting to restrict the  
20 ownership or use of the property as prohibited under subsection 1 of this section. Any  
21 deed that is recorded after August 27, 2022, that mistakenly contains such a restrictive  
22 covenant shall nevertheless constitute a valid transfer of real property.

23 4. Any restrictive covenant prohibited under subsection 1 of this section may be  
24 released by the owner of real property subject to such covenant by recording a  
25 certificate of release of prohibited covenants. The real property owner may record a  
26 certificate either prior to recording of a deed conveying real property to a purchaser or  
27 when such real property owner discovers that such prohibited covenant exists and  
28 chooses to affirmatively release the same. A certificate may be prepared without  
29 assistance of an attorney but shall conform substantially to the following certificate of  
30 release of prohibited covenants form:

31 **Certificate of Release of Prohibited Covenants**

32

33 **Place of record:** \_\_\_\_\_

34

35 **Date of instrument containing prohibited covenant(s):** \_\_\_\_\_

36

37 **Instrument type:** \_\_\_\_\_

38

39 **Deed book** \_\_\_\_\_ **page** \_\_\_\_\_ **or plat book** \_\_\_\_\_ **page** \_\_\_\_\_

40

41 **Name(s) of grantor(s):** \_\_\_\_\_

42

43 **Name(s) of current owner(s):** \_\_\_\_\_

44

45 **Real property description:** \_\_\_\_\_

46

47 **Specific description of prohibited covenant, including a citation to the location within**  
48 **the instrument:** \_\_\_\_\_

49

50 **The covenant contained in the above-mentioned instrument is released from the above-**  
51 **described real property to the extent that it contains terms purporting to restrict the**  
52 **ownership or use of the property as prohibited by 442.403, RSMo.**

53

54 **The undersigned (is/are) the legal owner(s) of the property described herein.**

55

56 **Given under my/our hand(s) this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.**

57

58 \_\_\_\_\_

59

60 \_\_\_\_\_

61

62 **(Current owners)**

63

64 **(County/city) of \_\_\_\_\_.**

65

66 **State of Missouri**

67

68 **Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.**

69

70 \_\_\_\_\_

71

72 **Notary public**

73 **My commission expires: \_\_\_\_\_**

✓